

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

KIMBERLY Y. LAFAVE, et al.

Plaintiffs

V.

Case No. 1:23-cv-01605-WBP

**THE COUNTY OF FAIRFAX, VIRGINIA,
and KEVIN DAVIS, in his Official Capacity
as Chief of Police**

Defendants

DECLARATION OF ANDERS SLEIGHT

I, Anders Sleight, hereby declare as follows:

I am an attorney with Offit Kurman, P.C. and I serve as counsel to Defendants the County of Fairfax, Virginia (“the County”) and Kevin Davis, in his official capacity as Chief of Police (“Davis”), in the above-captioned matter. In addition, I served as counsel to the County and Davis in *LaFave v. County of Fairfax*, No. CL2021-01569 (Fairfax Cnty. Cir. Ct.). I make this declaration in support of Defendants’ Motion for Summary Judgment.

1. Attached as **Exhibit 1** is a true and correct copy of the Ordinance Amending Chapter 6 of the Fairfax County Code, Relating to Weapons, as adopted on September 16, 2020 (the “Ordinance”).

2. Attached as **Exhibit 2** is a true and correct copy of the complaint filed in *LaFave v. County of Fairfax*, No. CL2021-01569 (Fairfax Cnty. Cir. Ct.).

3. Attached as **Exhibit 3** is a true and correct copy of plaintiffs' motion for summary judgment filed in *LaFave v. County of Fairfax*, No. CL2021-01569 (Fairfax Cnty. Cir. Ct.), excluding exhibits.

4. Attached as **Exhibit 4** is a true and correct copy of the County's opposition to plaintiffs' motion for summary judgment filed in *LaFave v. County of Fairfax*, No. CL2021-01569 (Fairfax Cnty. Cir. Ct.), excluding exhibits.

5. Attached as **Exhibit 5** is a true and correct copy of plaintiffs' reply brief in support of their motion for summary judgment filed in *LaFave v. County of Fairfax*, No. CL2021-01569 (Fairfax Cnty. Cir. Ct.).

6. Attached as **Exhibit 6** is a true and correct copy of the County's brief to supplement their opposition to the motion for summary judgment in light of *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022), filed in *LaFave v. County of Fairfax*, No. CL2021-01569 (Fairfax Cnty. Cir. Ct.), excluding exhibits.

7. Attached as **Exhibit 7** is a true and correct copy of plaintiffs' brief to supplement their motion for summary judgment in light of *Bruen*, filed in *LaFave v. County of Fairfax*, No. CL2021-01569 (Fairfax Cnty. Cir. Ct.).

8. Attached as **Exhibit 8** is a true and correct copy of the County's reply brief to supplement their opposition to the motion for summary judgment in light of *Bruen*, filed in *LaFave v. County of Fairfax*, No. CL2021-01569 (Fairfax Cnty. Cir. Ct.).

9. Attached as **Exhibit 9** is a true and correct copy of plaintiffs' reply brief to supplement their motion for summary judgment in light of *Bruen*, filed in *LaFave v. County of Fairfax*, No. CL2021-01569 (Fairfax Cnty. Cir. Ct.), excluding exhibits.

10. Attached as **Exhibit 10** is a true and correct copy of plaintiffs' motion for a preliminary injunction filed in *LaFave v. County of Fairfax*, No. CL2021-01569 (Fairfax Cnty. Cir. Ct.), excluding exhibits.

11. Attached as **Exhibit 11** is a true and correct copy of the County's opposition to the motion for a preliminary injunction filed in *LaFave v. County of Fairfax*, No. CL2021-01569 (Fairfax Cnty. Cir. Ct.), excluding exhibits.

12. Attached as **Exhibit 12** is a true and correct copy of plaintiffs' reply brief in support of their motion for a preliminary injunction filed in *LaFave v. County of Fairfax*, No. CL2021-01569 (Fairfax Cnty. Cir. Ct.).

13. Attached as **Exhibit 13** is a true and correct copy of the order denying plaintiffs' motion for summary judgment in *LaFave v. County of Fairfax*, No. CL2021-01569 (Fairfax Cnty. Cir. Ct.), as well as the transcript of the November 4, 2022 hearing in which the Honorable Dontae L. Bugg issued his oral ruling.

14. Attached as **Exhibit 14** is a true and correct copy of the order denying plaintiffs' motion for a preliminary injunction in *LaFave v. County of Fairfax*, No. CL2021-01569 (Fairfax Cnty. Cir. Ct.), as well as the transcript of the May 24, 2023 hearing, in which the Honorable Christie Ann Leary issued her oral ruling; this exhibit combines the transcript from Lexis, *LaFave v. Cnty. of Fairfax*, No. CL2021-01569, 2023 Va. Cir. LEXIS 203 (Fairfax Cnty. Cir. Ct. June 23, 2023), with the court's order and court transcript.

15. Attached as **Exhibit 15** is a true and correct copy of the uncontested order of partial nonsuit by the National Rifle Association of America, Inc. in *LaFave v. County of Fairfax*, No. CL2021-01569 (Fairfax Cnty. Cir. Ct.).

16. Attached as **Exhibit 16** is a true and correct copy of the order of the Supreme Court of Virginia dismissing plaintiffs’ petition for review, Record No. 230481, of the denial of Plaintiffs’ motion for a preliminary injunction in *LaFave v. County of Fairfax*, No. CL2021-01569 (Fairfax Cnty. Cir. Ct.).

17. Attached as **Exhibit 17** is a true and correct copy of the order of nonsuit in *LaFave v. County of Fairfax*, No. CL2021-01569 (Fairfax Cnty. Cir. Ct.).

18. Attached as **Exhibit 18** is a table of historical restrictions on firearms in parks from 1858 to 1936, prepared by counsel. The text of the sources is included as (a) exhibits to the Expert Report of Prof. Terence Young, dated February 26, 2024, which is filed as Attachment A to the accompanying Declaration of Prof. Terence Young, dated April 24, 2024 (“Young Declaration”) and (b) exhibits included in Attachment B to the Young Declaration.

19. Attached as **Exhibit 19** is a true and correct copy of the Statute of Northampton, 2 Edw. 3, 258, ch. 3 (1328), reprinted in 1 *The Statutes of the Realm* 257-61 (1810).

20. Attached as **Exhibit 20** is a true and correct copy of 1786 Va. Acts 35, ch. 49 (An Act forbidding and punishing affrays).

21. Attached as **Exhibit 21** is a true and correct copy of *Collection of Statutes of the Parliament of England in Force in the State of North Carolina* 60–61, ch. 3 (F. Martin Ed. 1792).

22. Attached as **Exhibit 22** is a true and correct copy of 1869-70 Tenn. Pub. Acts 23-24, ch. 22 (An Act to Amend the Criminal Laws of the State).

23. Attached as **Exhibit 23** is a true and correct copy of 1870 Tex. Gen. Laws 63, ch. 46 (An Act Regulating the Right to Keep and Bear Arms).

24. Attached as **Exhibit 24** is a true and correct copy of 1883 Mo. Sess. Laws 76 (An Act to amend section 1274, article 2, chapter 24 of the Revised Statutes of Missouri, entitled “Of Crimes and Criminal Procedure”).

25. Attached as **Exhibit 25** is a true and correct copy of § 4528 of the Code of Georgia (titled Deadly weapons not to be carried to public places), reprinted in R.H. Clark, *The Code of the State of Georgia* 818 (1873).

26. Attached as **Exhibit 26** is a true and correct copy of W.A. McCartney et al., *Statutes of Oklahoma, 1893 Being a Compilation of All the Laws Now in Force in the Territory of Oklahoma* 504 (1893).

27. Attached as **Exhibit 27** is a true and correct copy of the 1721 Act to Prevent the Killing of Deer out of Season, and Against Carrying of Guns or Hunting by Persons not Qualified, reprinted in III *Statutes at Large of Pennsylvania from 1682 to 1801* 254-55 (Clarence M. Busch ed., 1896).

28. Attached as **Exhibit 28** is a true and correct copy of 1741 N.J. Laws 10 (An Act to prevent Killing of Deer out of Season, and against Carrying of Guns and Hunting by Persons not Qualified).

29. Attached as **Exhibit 29** is a true and correct copy of the 1763 Act to prevent hunting with Fire-Arms in the City of New-York, and the Liberties thereof, reprinted in 2 *Laws of New-York from The Year 1691, to 1773, Inclusive* 441-42 (Hugh Gaine ed. 1774).

30. Attached as **Exhibit 30** is a true and correct copy of the 1866 Act to Prohibit the Carrying of Firearms on Premises or Plantations of Any Citizen Without the Consent of the Owner, reprinted in II *Digest of the Laws of Texas* 1321-22 (George Paschal, 4th ed. 1874).

31. Attached as **Exhibit 31** is a true and correct copy of 1893 Or. Laws 79 (An Act to Prevent a Person from Trespassing upon any Enclosed Premises or Lands not His Own Being Armed with a Gun, Pistol, or other Firearm, and to Prevent Shooting upon or from the Public Highway).

32. Attached as **Exhibit 32** is a true and correct copy of the Winter 2024 edition of Parktakes, the quarterly guide to parks and recreation issued by the Fairfax County Park Authority.

33. Attached as **Exhibit 33** is a true and correct copy of excerpts of the transcript of Kimberly LaFave's deposition taken on March 22, 2022, in connection with *LaFave v. County of Fairfax*, No. CL2021-01569 (Fairfax Cnty. Cir. Ct.).

34. Attached as **Exhibit 34** is a true and correct copy of an excerpt of the board package provided to the Fairfax County Board of Supervisors for the September 15-16, 2020 meeting in which the Board held a public hearing and voted to adopt the Ordinance. The full board package is available at <https://www.fairfaxcounty.gov/boardofsupervisors/sites/boardofsupervisors/files/assets/meeting-materials/2020/board/sept15-board-package.pdf>. The County directed Plaintiffs to this document in its Responses and Objections to the Plaintiffs' First Set of Interrogatories in the state-court litigation (dated May 24, 2021), at p. 15.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 26, 2024.

By: /s/ Anders T. Sleight

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